

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JOHN JAY HUMPHREY

Plaintiff

vs.

5:05-CV-0987
(NAM/ATB)

ONONDAGA COUNTY DEPARTMENT OF SOCIAL
SERVICES,

Defendant.

APPEARANCES

OF COUNSEL:

John Jay Humphrey
Plaintiff, *Pro Se*

Gordon J. Cuffy
Onondaga County Attorney
421 Montgomery Street
Syracuse, New York 13202
Attorney for Defendant

Michael P. McCarthy, Esq.
Senior Deputy County Attorney

Norman A. Mordue, Chief U.S. District Court Judge

**JUDGMENT DISMISSING ACTION
BASED UPON SETTLEMENT**

The Court has been advised by counsel that this action has been settled, or is in the process of being settled. Counsel has also advised the Court that no infant or incompetent is a party to this action. Accordingly, pursuant to N.D.N.Y.L.R. 68.2(a), it is hereby

ORDERED, as follows:

1) The above captioned case is hereby **DISMISSED** in its entirety **without prejudice** to re-opening upon the motion of any party within thirty days of the date of the filing of this order upon a showing that the settlement was not consummated;

2) The dismissal of the above captioned case shall become **with prejudice** on the thirty-

first day after the date of the filing of this order unless any party moves to re-open this case within thirty days of the date of filing of this order upon a showing that the settlement was not consummated. Upon completion of settlement, the parties are directed to exchange general releases and file a **Stipulation of Discontinuance** with the Court that must include language **“that no party hereto is an infant or incompetent”** in compliance with N.D.N.Y.L.R. 41.3; and

3) The Jury Trial scheduled for August 30, 2010 is canceled.

Dated: August 19, 2010


Norman A. Mordue
Chief United States District Court Judge

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